

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANIEL JOSEPH MILLER, III : CIVIL ACTION

V. : NO. 02-5141

PHILADELPHIA POLICE DEPARTMENT, :
ET AL.

O R D E R

AND NOW, this 5th day of June, 2003, upon consideration of the motion for summary judgment and the motion for judgment of non pros of defendants, Belmont Center for Comprehensive Treatment and Barry M. Farber, M.D.; and the court having ordered on March 26, 2003 that a copy of the motion be served directly upon the plaintiff himself at 1180 W.L.E., Lake Ariel, PA 18436 and directing the plaintiff to file a response to the motion within fourteen calendar days after receipt of a copy of the motion or the motion would be granted as uncontested and the action dismissed without further notice to plaintiff; and the motion having been served upon the plaintiff on April 5, 2003; and the court having ordered on April 30, 2003 after allowing the withdrawal of Jonathan M. Levin, Esquire as counsel for the plaintiff that the plaintiff shall have an additional period of time to file a response to defendants' motion for summary judgment and for judgment of non pros or for an attorney to enter an appearance for plaintiff until June 3, 2003 or this action would be dismissed for lack of prosecution without further notice to the plaintiff; and said order having been served on the plaintiff at his above address; and the plaintiff not having filed a response to said defendants' motion for summary judgment and for judgment of non pros and no attorney having entered an appearance on behalf of the plaintiff, **IT IS HEREBY ORDERED** that:

1. The motion of defendants Belmont Center for Comprehensive Treatment and Barry M. Farber, M.D. for judgment of non pros is **GRANTED** and plaintiff's complaint is **DISMISSED** as to those defendants.

2. Said defendants' motion for summary judgment is **DISMISSED WITHOUT PREJUDICE** as **MOOT**.

3. The clerk shall forward a copy of this order to the plaintiff at 1180 W.L.E., Lake Ariel, PA 18436.

4. All defendants having been dismissed from this action, the clerk shall mark the action **CLOSED FOR STATISTICAL PURPOSES**.

William H. Yohn, Jr., Judge